PTO/SB/26 (09-04)

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## RMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING **REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional) ESEC-P171US-D1

In re Application of: Krieger et al Application No. 10/723,685

Filed: 11/26/03

For: DEVICE FOR THE METERED DELIVERY OF VISCOUS LIQUID

The owner\*, ESEC Trading SA, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,705,845 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior

	<pre>patent, "as the term of said prior patent is presently s later:</pre>	shortened by any terminal disclaimer," in the eve	ent that said prior pater
	expires for failure to pay a maintenance fee;	·	
	is held unenforceable; is found invalid by a court of competent jurisdiction;		
	is statutorily disclaimed in whole or terminally disclaim		
	has all claims canceled by a reexamination certificate; is reissued; or	<b>;</b>	
	is in any manner terminated prior to the expiration of i	ts full statutory term as presently shortened by ar	ny terminal disclaimer.
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,	1. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.		
	I hereby declare that all statements made here information and belief are believed to be true; and furthe statements and the like so made are punishable by fine States Code and that such willful false statements may jet	er that these statements were made with the kno or imprisonment, or both, under Section 1001 of	wledge that willful false of Title 18 of the United
		i. No. <u>31,562</u>	3-25-2005
Adjustment dat	: 03/31/2005 CCHAU1 /ASI1 00000037 10723685		
10/03/2004 B3H 01 FC:1814	-110.00 GP	Signature	Date
	David B. Ritchie		
03/31/2005 CCHA	U1 00000006 501698 10723685 -	Typed or printed name	
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Terminal disclaimer fee of \$110 under 37 CFR 1.20(d) was paid in the response filed September 29, 2004. The commissioner is authorized to charge Applicants the difference of \$20 between the old fees and the revised fees and any other fees deemed necessary, to deposit account no. 50-1698.

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\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA22313-1450.